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## Senate Panel Clears Eilberg in Carter Call

From News Services

The Senate Judiciary Committee has concluded that Rep. Joshua Eilberg, D-Pa., was not personally under investigation when he telephoned President Carter last November urging the dismissal of Republican U.S. Attorney David Marston of Philadelphia.

The official purpose of the committee's report was to record confirmation of Benjamin R. Civiletti as deputy attorney general. However, two senators had used the confirmation hearing in an attempt to show Eilberg wanted Marston dismissed because the attorney was pressing an indictment against him in a local hospital funding investigation.

The hearing failed to show a connection, the committee report stated.

"There was no 'cover-up' of any investigation simply because there was no such investigation in existence during the time in question," it said.

Marston's own affidavit to the committee said on Nov. 4, date of Eilberg's call to Carter, he did not consider any indictment of Eilberg likely. The report said Eilberg's name did not come up in Marston's investigation until Dec. 19.

The committee voted 10-2 for Civiletti's confirmation, with Sens. Malcolm Wallop, R-Wyo., and Paul Laxalt, R-Nev. casting the negative votes. The committee report said, "It was clear that Mr. Civiletti had nothing to do with this matter."

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## Hanna Wins Re-Election